

MARICOPA COUNTY SHERIFF'S OFFICE

Bureau of Internal Oversight

Audits and Inspections Unit



Targeted Integrity Inspection: March 2021

Inspection Report # BI2021-0027

The Audits and Inspections Unit (AIU) of the Sheriff's Office Bureau of Internal Oversight (BIO) conducts targeted integrity inspections on an as needed basis to examine a specific employee, or group of employees, who has or have been identified through an analysis conducted by the Bureau of Internal Oversight (BIO), the Professional Standards Bureau (PSB), the Early Identification System (EIS), or other data collection methods, and is displaying indications, or concerns of involvement, related to potentially improper or illegal behavior.

Inspection BI2021-0027 will examine the vehicle passenger's post-stop ethnicity data found on the Vehicle Stop Contact Forms contained in the TRACS database, for the time period of 1/1/2020 to 12/31/2020. To accomplish this task TrACS data was examined for passengers identified on Vehicle Stop Contact Forms as Unknown/Vision Obstructed. The Deputy Sheriff with the highest percentage of passengers with post-stop ethnicity identified as Unknown/Vision Obstructed, when compared to the total number of passengers contacted by them during the inspection time scope, will be identified as the inspection target. These entries will be uniformly inspected utilizing a matrix developed by the Audits and Inspections Unit in accordance with the procedures outlined in policy and the AIU Operations Manual. In the inspection, a "reasonable person" standard will be utilized by inspectors.

Compliance Objectives:

- Determine if vehicle passenger's ethnicity with designation of Unknown/Vision Obstructed on Vehicle Stop Contact Form(s) is accurate based on a reasonable person standard.
- Determine if there is an indication of repetitive improper identification of the post-race ethnicity of vehicle passengers.

Criteria:

MCSO Policy EB-1; Traffic Enforcement, Violator Contacts, And Citation Issuance

MCSO Policy EB-2; *Traffic Stop Data Collection*

MCSO Policy CP-8; *Preventing Racial and Other Bias-Based Profiling*

MCSO Policy GJ-35; *Body-Worn Cameras*

Section 303 of the AIU Operations Manual.

Conditions:

The results of the review of the vehicle passenger's post-stop ethnicity data, found on the vehicle stop contact forms contained in the TRACS database, for the time period 1/1/2020 to 12/31/2020, resulted in the redacted Deputy being selected as the subject of this inspection:

- Raw TRACS data from Vehicle Stop Contact Form generated from 1/1/2020 through 12/31/2020 was sorted to identify deputies with the highest instances of identifying a passenger's race/ethnicity as Unknown/Vision Obstructed on the Vehicle Stop Contact Form.
- 154 deputies had traffic stops in 2020 with passengers marked Unknown/Vision Obstructed.
- The top 10% (16 deputies) of 154 deputies had 9 or more passengers marked Unknown/Vision Obstructed.
- Of the 16 deputies, 1 deputy had more than 50% of the documented passengers marked Unknown/ Vision Obstructed: the redacted Deputy
- The redacted Deputy made traffic stops in 2020 involving a total of 29 passengers during the year. He identified 15 (52%) passengers as Unknown/Vision Obstructed. The remaining 14 passengers had an identified Race/Ethnicity on the Vehicle Stop Contact Form. (Note: Multiple passengers may have been identified during a single traffic stop)

- The redacted Deputy had the highest percentage of passengers marked Unknown/Vision obstructed compared to the other deputies in the top 10% with 51.72% of vehicle passengers [15 out of 29 total] marked as such.

Results:

The Body Worn Camera video files involving 15 passengers over the course of 10 traffic stops, with passenger post-stop ethnicity data marked as Unknown/Vision Obstructed, were uniformly inspected utilizing a matrix developed by the Audits and Inspections Unit in accordance with the procedures outlined in policy and the AIU Operations Manual. The results of the inspection were as follows:

- 1 of the 10 stops was not captured by Body Worn Camera; The redacted Deputy activated his Body Worn Camera after the stop and narrated that he may have forgotten to turn on his camera. He also documented this on his Vehicle Stop Contact Form for the traffic stop. No BAF is being issued for this as it was self-identified. This is reference MC20122599.
- In 6 of the 9 stops AIU agreed the redacted Deputy’s perception was reasonable.
- In 3 of the 9 traffic stops AIU’s perception differed from the redacted Deputy and a BAF will be sent so a reevaluation by the Deputy and Supervisor can be performed.
 - BIO believes the redacted Deputy should have made an ethnicity determination in MC20137366, MC20170904, and MC20142506.

Conclusion:

The determination by AIU regarding the disposition of this targeted inspection is a **PROCEDURAL FAIL**. AIU did not observe evidence of criminal, serious or continual, repetitive, and willful acts of minor misconduct. However, as three (3) of nine (9) traffic stops, 33.3% of the total, have observed identification deficiencies BIO believes a successful identification rate of only 66.7% to be a PROCEDURAL FAIL. As the employee’s actions were not in accordance with the procedures set forth in Office Policy, but the actions do not rise to the level of criminal or serious misconduct, Section 303 of the BIO Operations Manual does not require a referral to the Professional Standards Bureau, but the actions will be reported as a deficiency to the respective Division Commander through the BIO Action Form process. AIU believes based on Body Worn Camera video the redacted Deputy should have observed the ethnicity of passengers for whom he provided a designation on the Vehicle Stop Contact Form of Unknown/Vision Obstructed. It is important to note the total number of vehicle occupants [driver plus passenger(s)] is provided in the Vehicle Stop Contact Form by the redacted Deputy himself. AIU believes that in MC20137366 the redacted Deputy misidentified the passenger, while in MC20142506 and MC20170904 the redacted Deputy misidentified one of two passengers based on his self-provided number of vehicle occupants

Action Required:

AIU will provide the inspection report to the Division to reassess the post stop ethnicity of the drivers of the following stops via the Bio Action Form Process: **1 Bio Action Form Required.**

District	MC#	Employee	Supervisor	Commander
2	MC20137366 MC20142506 MC20170904	Deputy	Sergeant	Captain
Deficiency				
MC20137366: The redacted Deputy noted there were two vehicle occupants with one being Unknown/Vision Obstructed. His camera captured the front seat passenger’s leg and arm. AIU believes the redacted Deputy should have been able to make an ethnicity determination based on observed BWC footage. The driver is identified.				

MC20142506: The redacted Deputy noted there were three vehicle occupants; two were noted as being Unknown/Vision Obstructed. AIU believes the redacted Deputy should have been able to make an ethnicity determination based on observed BWC footage. The driver is identified.

MC20170904: The redacted Deputy noted there are three vehicle occupants; two were noted as being Unknown/Vision Obstructed. AIU believes the redacted Deputy should have been able to make an ethnicity determination based on observed BWC footage. The driver is identified.

Date Inspection Started: 3/15/2021
Date Completed: 3/31/2021
Timeframe Inspected: 1/1/2020 – 12/31/2020
Assigned Inspector(s): Sgt. R. Levy S1881 / Lt. J. Halverson S1674

I have reviewed this inspection report.

Cpt. J. McFarland S1344

Captain James McFarland S1344
Commander
Bureau of Internal Oversight

4/30/2021

Date